

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0607.02 Christy Chase x2008

SENATE BILL 19-079

SENATE SPONSORSHIP

Todd and Priola, Cooke, Coram, Court, Fenberg, Ginal, Moreno, Williams A., Winter, Zenzinger

HOUSE SPONSORSHIP

Esgar and Landgraf,

Senate Committees

Business, Labor, & Technology

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A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT CERTAIN PRACTITIONERS**
102 **PRESCRIBE CONTROLLED SUBSTANCES ELECTRONICALLY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Sections 1 to 14 of the bill require podiatrists, physicians, physician assistants, advanced practice nurses, and optometrists, starting July 1, 2021, and dentists and practitioners serving rural communities or in a solo practice, starting July 1, 2023, to prescribe schedule II, III, or IV controlled substances only via a prescription that is electronically transmitted to a pharmacy unless a specified exception applies.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Prescribers are required to indicate on license renewal questionnaires whether they have complied with the electronic prescribing requirement.

Section 15 specifies that pharmacists need not verify the applicability of an exception to electronic prescribing when they receive an order for a controlled substance in writing, orally, or via facsimile transmission and may fill the order if otherwise valid under the law.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 12-32-107.5, **amend** (3)(c) as follows:

12-32-107.5. Prescriptions - requirement to advise patients - limit on opioid prescriptions - repeal. (3) (c) (I) A podiatrist licensed pursuant to this article 32 may prescribe opioids electronically.

(II) THIS SUBSECTION (3)(c) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 2. In Colorado Revised Statutes, **add** 12-32-107.7 as follows:

12-32-107.7. Electronic prescribing of controlled substances - exceptions - rules - definition. (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, A PODIATRIST LICENSED UNDER THIS ARTICLE 32 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

(I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC PRESCRIBING IS NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE;

(II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT IS LOCATED OUTSIDE OF THIS STATE;

1 (III) THE PRESCRIBING PODIATRIST IS DISPENSING THE
2 CONTROLLED SUBSTANCE TO THE PATIENT;

3 (IV) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT
4 ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL
5 COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;

6 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES
7 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO
8 CONTAIN ONE OR MORE ELEMENTS THAT CANNOT BE SATISFIED WITH
9 ELECTRONIC PRESCRIBING;

10 (VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND
11 ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

12 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
13 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
14 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

15 (B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

16 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE PODIATRIST
17 TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

18 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
19 A RESEARCH PROTOCOL;

20 (VIII) THE PODIATRIST WRITES TWENTY-FOUR OR FEWER
21 PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;

22 (IX) THE PODIATRIST IS PRESCRIBING A CONTROLLED SUBSTANCE
23 TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE
24 FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR
25 ASSISTED LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF
26 THE DEPARTMENT OF CORRECTIONS; OR

27 (X) THE PODIATRIST REASONABLY DETERMINES THAT THE PATIENT

1 WOULD BE UNABLE TO OBTAIN THE CONTROLLED SUBSTANCE PRESCRIBED
2 ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD
3 ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION.

4 (b) A PODIATRIST PRACTICING IN A RURAL AREA OF THE STATE OR
5 IN A PRACTICE CONSISTING OF ONLY ONE PODIATRIST SHALL COMPLY WITH
6 THIS SUBSECTION (1) ON OR AFTER JULY 1, 2023.

7 (2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES
8 A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF
9 SUBSECTION (1)(a)(I) OF THIS SECTION.

10 (3) (a) THIS SECTION DOES NOT:

11 (I) CREATE A PRIVATE RIGHT OF ACTION;

12 (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

13 (III) ESTABLISH A STANDARD OF CARE.

14 (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE
15 NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

16 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY
17 LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT:

18 (a) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES
19 WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE
20 MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
21 CENSUS BUREAU; OR

22 (b) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A
23 RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF
24 MANAGEMENT AND BUDGET.

25 **SECTION 3.** In Colorado Revised Statutes, 12-32-111, **amend**
26 (1.5) as follows:

27 **12-32-111. Renewal of license.** (1.5) The board shall establish

1 a questionnaire to accompany the renewal form. The BOARD MUST DESIGN
2 THE questionnaire ~~shall be designed~~ to determine if the licensee has acted
3 in violation of, or has been disciplined for actions that might be construed
4 as violations of, this ~~article~~ ARTICLE 32 or that may make the licensee
5 unfit to practice podiatry with reasonable care and safety. THE BOARD
6 SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING
7 WHETHER THE PODIATRIST HAS COMPLIED WITH SECTION 12-32-107.7. The
8 failure of an applicant to answer the questionnaire accurately ~~shall~~
9 ~~constitute~~ CONSTITUTES unprofessional conduct pursuant to section
10 12-32-107.

11 **SECTION 4.** In Colorado Revised Statutes, **add** 12-35-114.5 as
12 follows:

13 **12-35-114.5. Electronic prescribing of controlled substances**
14 **- exceptions - rules.** (1) ON OR AFTER JULY 1, 2023, A DENTIST LICENSED
15 UNDER THIS ARTICLE 35 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS
16 DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III,
17 OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY
18 ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

19 (a) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
20 PRESCRIBING IS NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL
21 OR ELECTRICAL FAILURE;

22 (b) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT
23 IS LOCATED OUTSIDE OF THIS STATE;

24 (c) THE PRESCRIBING DENTIST IS DISPENSING THE CONTROLLED
25 SUBSTANCE TO THE PATIENT;

26 (d) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT
27 ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL

1 COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;

2 (e) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES THE
3 PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO CONTAIN
4 ONE OR MORE ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC
5 PRESCRIBING;

6 (f) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND ALLOWS
7 DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

8 (I) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
9 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
10 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

11 (II) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR
12 (III) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE DENTIST TO
13 ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

14 (g) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
15 A RESEARCH PROTOCOL;

16 (h) THE DENTIST WRITES TWENTY-FOUR OR FEWER PRESCRIPTIONS
17 FOR CONTROLLED SUBSTANCES PER YEAR;

18 (i) THE DENTIST IS PRESCRIBING A CONTROLLED SUBSTANCE TO BE
19 ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE FACILITY,
20 HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR ASSISTED
21 LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF THE
22 DEPARTMENT OF CORRECTIONS; OR

23 (j) THE DENTIST REASONABLY DETERMINES THAT THE PATIENT
24 WOULD BE UNABLE TO OBTAIN THE CONTROLLED SUBSTANCE PRESCRIBED
25 ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD
26 ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION.

27 (2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES

1 A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF
2 SUBSECTION (1)(a) OF THIS SECTION.

3 (3) ON AND AFTER JULY 1, 2023, THE BOARD SHALL REQUIRE A
4 DENTIST WHO APPLIES FOR LICENSE RENEWAL IN ACCORDANCE WITH
5 SECTION 12-35-121 TO COMPLETE A QUESTIONNAIRE THAT REQUIRES THE
6 DENTIST TO INDICATE WHETHER THE DENTIST HAS COMPLIED WITH THIS
7 SECTION. THE FAILURE OF AN APPLICANT TO ANSWER THE QUESTIONNAIRE
8 ACCURATELY CONSTITUTES GROUNDS FOR DISCIPLINE PURSUANT TO
9 SECTION 12-35-129.

10 (4) (a) THIS SECTION DOES NOT:

11 (I) CREATE A PRIVATE RIGHT OF ACTION;

12 (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

13 (III) ESTABLISH A STANDARD OF CARE.

14 (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE
15 NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

16 **SECTION 5.** In Colorado Revised Statutes, 12-35-129, **amend**
17 (1)(nn) and (1)(oo); and **add** (1)(pp) as follows:

18 **12-35-129. Grounds for disciplinary action.** (1) The board may
19 take disciplinary action against an applicant or licensee in accordance
20 with section 12-35-129.1 for any of the following causes:

21 (nn) Failing to comply with section 12-35-128.5 regarding the
22 placement of interim therapeutic restorations; ~~or~~

23 (oo) Failing to comply with section 12-35-128.8 regarding the
24 application of silver diamine fluoride; OR

25 (pp) FAILING TO ACCURATELY COMPLETE AND SUBMIT THE
26 QUESTIONNAIRE REQUIRED BY SECTION 12-35-114.5 (3).

27 **SECTION 6.** In Colorado Revised Statutes, 12-36-117.6, **amend**

1 (2) as follows:

2 **12-36-117.6. Prescribing opiates - limitations - repeal.**

3 (2) (a) A physician or physician assistant licensed pursuant to this article
4 36 may prescribe opioids electronically.

5 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2021.

6 **SECTION 7.** In Colorado Revised Statutes, **add** 12-36-117.9 as
7 follows:

8 **12-36-117.9. Electronic prescribing of controlled substances**

9 **- exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN
10 SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, A
11 PHYSICIAN LICENSED UNDER THIS ARTICLE 36 OR A PHYSICIAN ASSISTANT
12 LICENSED UNDER THIS ARTICLE 36 WHO HAS BEEN DELEGATED THE
13 AUTHORITY TO PRESCRIBE MEDICATION SHALL PRESCRIBE A CONTROLLED
14 SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN
15 SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18,
16 ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY
17 UNLESS:

18 (I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
19 PRESCRIBING IS NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL
20 OR ELECTRICAL FAILURE;

21 (II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT
22 IS LOCATED OUTSIDE OF THIS STATE;

23 (III) THE PRESCRIBING PHYSICIAN OR PHYSICIAN ASSISTANT IS
24 DISPENSING THE CONTROLLED SUBSTANCE TO THE PATIENT;

25 (IV) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT
26 ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL
27 COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;

1 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES
2 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO
3 CONTAIN ONE OR MORE ELEMENTS THAT CANNOT BE SATISFIED WITH
4 ELECTRONIC PRESCRIBING;

5 (VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND
6 ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

7 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
8 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
9 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

10 (B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

11 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE PHYSICIAN
12 OR PHYSICIAN ASSISTANT TO ISSUE A PRESCRIPTION THAT IS NOT
13 PATIENT-SPECIFIC;

14 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
15 A RESEARCH PROTOCOL;

16 (VIII) THE PHYSICIAN OR PHYSICIAN ASSISTANT WRITES
17 TWENTY-FOUR OR FEWER PRESCRIPTIONS FOR CONTROLLED SUBSTANCES
18 PER YEAR;

19 (IX) THE PHYSICIAN OR PHYSICIAN ASSISTANT IS PRESCRIBING A
20 CONTROLLED SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A
21 HOSPITAL, NURSING CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS
22 TREATMENT CLINIC, ASSISTED LIVING RESIDENCE, OR LICENSED HOSPICE
23 HOME CARE OR TO A PERSON WHO IS IN THE CUSTODY OF THE DEPARTMENT
24 OF CORRECTIONS; OR

25 (X) THE PHYSICIAN OR PHYSICIAN ASSISTANT REASONABLY
26 DETERMINES THAT THE PATIENT WOULD BE UNABLE TO OBTAIN THE
27 CONTROLLED SUBSTANCE PRESCRIBED ELECTRONICALLY IN A TIMELY

1 MANNER AND THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S
2 MEDICAL CONDITION.

3 (b) A PHYSICIAN OR PHYSICIAN ASSISTANT PRACTICING IN A RURAL
4 AREA OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE
5 PHYSICIAN OR PHYSICIAN ASSISTANT SHALL COMPLY WITH THIS
6 SUBSECTION (1) ON OR AFTER JULY 1, 2023.

7 (2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES
8 A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF
9 SUBSECTION (1)(a)(I) OF THIS SECTION.

10 (3) (a) THIS SECTION DOES NOT:

- 11 (I) CREATE A PRIVATE RIGHT OF ACTION;
- 12 (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR
- 13 (III) ESTABLISH A STANDARD OF CARE.

14 (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE
15 NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

16 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY
17 LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT:

18 (a) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES
19 WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE
20 MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
21 CENSUS BUREAU; OR

22 (b) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A
23 RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF
24 MANAGEMENT AND BUDGET.

25 **SECTION 8.** In Colorado Revised Statutes, 12-36-123, **amend**
26 (1)(b) as follows:

27 **12-36-123. Procedure - registration - fees.** (1) (b) The board

1 shall design a questionnaire to accompany the renewal form for the
2 purpose of determining whether a licensee has acted in violation of this
3 ~~article~~ ARTICLE 36 or been disciplined for any action that might be
4 considered a violation of this ~~article~~ ARTICLE 36 or might make the
5 licensee unfit to practice medicine with reasonable care and safety. THE
6 BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING
7 WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-36-117.9. If an
8 applicant fails to answer the questionnaire accurately, ~~such~~ THE failure
9 ~~shall constitute~~ CONSTITUTES unprofessional conduct under section
10 12-36-117 (1)(aa).

11 **SECTION 9.** In Colorado Revised Statutes, 12-38-111.6, **amend**
12 (7.5)(c) as follows:

13 **12-38-111.6. Prescriptive authority - advanced practice nurses**
14 **- limits on opioid prescriptions - repeal.** (7.5) (c) (I) An advanced
15 practice nurse with prescriptive authority pursuant to this section may
16 prescribe opioids electronically.

17 (II) THIS SUBSECTION (7.5)(c) IS REPEALED, EFFECTIVE JULY 1,
18 2021.

19 **SECTION 10.** In Colorado Revised Statutes, **add** 12-38-111.7 as
20 follows:

21 **12-38-111.7. Electronic prescribing of controlled substances**
22 **- exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN
23 SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, AN
24 ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY PURSUANT
25 TO SECTION 12-38-111.6 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS
26 DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III,
27 OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY

1 ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

2 (I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
3 PRESCRIBING IS NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL
4 OR ELECTRICAL FAILURE;

5 (II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT
6 IS LOCATED OUTSIDE OF THIS STATE;

7 (III) THE PRESCRIBING ADVANCED PRACTICE NURSE IS DISPENSING
8 THE CONTROLLED SUBSTANCE TO THE PATIENT;

9 (IV) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT
10 ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL
11 COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;

12 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES
13 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO
14 CONTAIN ONE OR MORE ELEMENTS THAT CANNOT BE SATISFIED WITH
15 ELECTRONIC PRESCRIBING;

16 (VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND
17 ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

18 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
19 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
20 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

21 (B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

22 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE ADVANCED
23 PRACTICE NURSE TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

24 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
25 A RESEARCH PROTOCOL;

26 (VIII) THE ADVANCED PRACTICE NURSE WRITES TWENTY-FOUR OR
27 FEWER PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;

1 (IX) THE ADVANCED PRACTICE NURSE IS PRESCRIBING A
2 CONTROLLED SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A
3 HOSPITAL, NURSING CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS
4 TREATMENT CLINIC, ASSISTED LIVING RESIDENCE, OR LICENSED HOSPICE
5 HOME CARE OR TO A PERSON WHO IS IN THE CUSTODY OF THE DEPARTMENT
6 OF CORRECTIONS; OR

7 (X) THE ADVANCED PRACTICE NURSE REASONABLY DETERMINES
8 THAT THE PATIENT WOULD BE UNABLE TO OBTAIN THE CONTROLLED
9 SUBSTANCE PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND
10 THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL
11 CONDITION.

12 (b) AN ADVANCED PRACTICE NURSE PRACTICING IN A RURAL AREA
13 OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE ADVANCED
14 PRACTICE NURSE SHALL COMPLY WITH THIS SUBSECTION (1) ON OR AFTER
15 JULY 1, 2023.

16 (2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES
17 A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF
18 SUBSECTION (1)(a)(I) OF THIS SECTION.

19 (3) (a) THIS SECTION DOES NOT:

- 20 (I) CREATE A PRIVATE RIGHT OF ACTION;
- 21 (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR
- 22 (III) ESTABLISH A STANDARD OF CARE.

23 (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE
24 NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

25 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY
26 LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT:

27 (a) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES

1 WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE
2 MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
3 CENSUS BUREAU; OR

4 (b) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A
5 RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF
6 MANAGEMENT AND BUDGET.

7 **SECTION 11.** In Colorado Revised Statutes, 12-38-111, **amend**
8 (3) as follows:

9 **12-38-111. Requirements for professional nurse licensure.**

10 (3) The board shall design a questionnaire to be sent to all licensees who
11 apply for license renewal. Each applicant for license renewal shall
12 complete the board-designed questionnaire. The purpose of the
13 questionnaire is to determine whether a licensee has acted in violation of
14 this ~~article~~ ARTICLE 38 or been disciplined for any action that might be
15 considered a violation of this ~~article~~ ARTICLE 38 or might make the
16 licensee unfit to practice nursing with reasonable care and safety. THE
17 BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING
18 WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-38-111.7. If an
19 applicant fails to answer the questionnaire accurately, ~~such~~ THE failure
20 ~~shall constitute~~ CONSTITUTES grounds for discipline under section
21 12-38-117 (1)(v). The board may include the cost of developing and
22 reviewing the questionnaire in the fee paid under ~~paragraph (c) of~~
23 ~~subsection (1)~~ SUBSECTION (1)(e) of this section. The board may refuse
24 an application for license renewal that does not accompany an accurately
25 completed questionnaire.

26 **SECTION 12.** In Colorado Revised Statutes, 12-40-109.5,
27 **amend** (4)(c) as follows:

1 **12-40-109.5. Use of prescription and nonprescription drugs -**
2 **limits on opioid prescriptions - repeal.** (4) (c) (I) An optometrist
3 licensed pursuant to this article 40 may prescribe opioids electronically.

4 (II) THIS SUBSECTION (4)(c) IS REPEALED, EFFECTIVE JULY 1, 2021.

5 **SECTION 13.** In Colorado Revised Statutes, **add** 12-40-109.9 as
6 follows:

7 **12-40-109.9. Electronic prescribing of controlled substances**
8 **- exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN

9 SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, AN
10 OPTOMETRIST LICENSED UNDER THIS ARTICLE 40 SHALL PRESCRIBE A
11 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), THAT IS
12 INCLUDED IN SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18
13 OF TITLE 18, ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A
14 PHARMACY UNLESS:

15 (I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
16 PRESCRIBING IS NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL
17 OR ELECTRICAL FAILURE;

18 (II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT
19 IS LOCATED OUTSIDE OF THIS STATE;

20 (III) THE PRESCRIBING OPTOMETRIST IS DISPENSING THE
21 CONTROLLED SUBSTANCE TO THE PATIENT;

22 (IV) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT
23 ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL
24 COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;

25 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES
26 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO
27 CONTAIN ONE OR MORE ELEMENTS THAT CANNOT BE SATISFIED WITH

1 ELECTRONIC PRESCRIBING;

2 (VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND
3 ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

4 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
5 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
6 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

7 (B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

8 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE
9 OPTOMETRIST TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

10 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
11 A RESEARCH PROTOCOL;

12 (VIII) THE OPTOMETRIST WRITES TWENTY-FOUR OR FEWER
13 PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;

14 (IX) THE OPTOMETRIST IS PRESCRIBING A CONTROLLED
15 SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING
16 CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR
17 ASSISTED LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF
18 THE DEPARTMENT OF CORRECTIONS; OR

19 (X) THE OPTOMETRIST REASONABLY DETERMINES THAT THE
20 PATIENT WOULD BE UNABLE TO OBTAIN THE CONTROLLED SUBSTANCE
21 PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY
22 WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION.

23 (b) AN OPTOMETRIST PRACTICING IN A RURAL AREA OF THE STATE
24 OR IN A PRACTICE CONSISTING OF ONLY ONE OPTOMETRIST SHALL COMPLY
25 WITH THIS SUBSECTION (1) ON OR AFTER JULY 1, 2023.

26 (2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES
27 A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF

1 SUBSECTION (1)(a)(I) OF THIS SECTION.

2 (3) (a) THIS SECTION DOES NOT:

3 (I) CREATE A PRIVATE RIGHT OF ACTION;

4 (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

5 (III) ESTABLISH A STANDARD OF CARE.

6 (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE
7 NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

8 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY
9 LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT:

10 (a) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES
11 WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE
12 MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
13 CENSUS BUREAU; OR

14 (b) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A
15 RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF
16 MANAGEMENT AND BUDGET.

17 **SECTION 14.** In Colorado Revised Statutes, 12-40-113, **amend**
18 (1)(b) as follows:

19 **12-40-113. License renewal - requirements - fee - failure to**
20 **pay.** (1) (b) The board shall establish a questionnaire to accompany the
21 renewal form. ~~Said~~ THE BOARD MUST DESIGN THE questionnaire ~~shall be~~
22 ~~designed~~ to determine if the licensee has acted in violation of or has been
23 disciplined for actions that might be considered as violations of this
24 ~~article~~ ARTICLE 40 or that might make the licensee unfit to practice
25 optometry with reasonable care and safety. THE BOARD SHALL INCLUDE
26 ON THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE
27 HAS COMPLIED WITH SECTION 12-40-109.9. Failure of the applicant to

1 answer the questionnaire accurately shall be IS considered unprofessional
2 conduct as specified in section 12-40-118.

3 **SECTION 15.** In Colorado Revised Statutes, 12-42.5-120,
4 **amend** (1) as follows:

5 **12-42.5-120. Prescription required - exception - dispensing**
6 **opiate antagonists - definitions.** (1) (a) Except as provided in section
7 18-18-414 ~~C.R.S.~~, and subsections (2) and (3) of this section, an order is
8 required prior to dispensing any prescription drug. Orders shall be readily
9 retrievable within the appropriate statute of limitations.

10 (b) A PHARMACIST WHO RECEIVES AN ORDER FOR A CONTROLLED
11 SUBSTANCE THAT IS INCLUDED IN SCHEDULE II, III, OR IV FROM A
12 PODIATRIST, DENTIST, PHYSICIAN, PHYSICIAN ASSISTANT, ADVANCED
13 PRACTICE NURSE, OR OPTOMETRIST, WHICH ORDER IS NOT TRANSMITTED
14 ELECTRONICALLY TO THE PHARMACIST, IS NOT REQUIRED TO VERIFY THE
15 APPLICABILITY OF AN EXCEPTION TO ELECTRONIC PRESCRIBING OF
16 CONTROLLED SUBSTANCES UNDER SECTION 12-32-107.7, 12-35-114.5,
17 12-36-117.9, 12-38-111.7, OR 12-40-109.9 AND MAY DISPENSE THE
18 CONTROLLED SUBSTANCE PURSUANT TO A WRITTEN, ORAL, OR
19 FACSIMILE-TRANSMITTED ORDER THAT IS OTHERWISE VALID AND
20 CONSISTENT WITH THE REQUIREMENTS OF CURRENT LAW.

21 **SECTION 16. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2020 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.